

7-31-00

PTO/SB/05 (1/98)

Approved for [REDACTED] through 9/30/2000. OMB 0651-0032

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**UTILITY
PATENT APPLICATION
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 4264C5

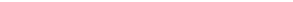
Kenneth J. Livak

First Inventor or Application Identifier

HYBRIDIZATION ASSAY USING SELF-QUENCHING FLUORESCENCE PROBE

Express Mail Label No. **EM 011 979 393 US**

APPLICATION ELEMENTS See MPEP chapter 600 concerning utility patent application contents.		Assistant Commissioner for Patents
<p>1. <input checked="" type="checkbox"/> * Fee Transmittal Form (e.g., PTO/SB/17) (Submit an original, and a duplicate for fee processing)</p> <p>2. <input checked="" type="checkbox"/> Specification [Total Pages 54] (preferred arrangement set forth below)</p> <ul style="list-style-type: none"> - Descriptive title of the Invention - Cross References to Related Applications - Statement Regarding Fed sponsored R & D - Reference to Microfiche Appendix - Background of the Invention - Brief Summary of the Invention - Brief Description of the Drawings (if filed) - Detailed Description - Claim(s) - Abstract of the Disclosure <p>3. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. 113) [Total Sheets 2]</p> <p>4. Oath or Declaration [Total Pages 4]</p> <p>a. <input type="checkbox"/> Newly executed (original or copy)</p> <p>b. <input checked="" type="checkbox"/> Copy from a prior application (37 C.F.R. § 1.63(d)) (for continuation/divisional with Box 17 completed) [Note Box 5 below]</p> <p>i. <input type="checkbox"/> DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. §§ 1.63(d)(2) and 1.33(b).</p> <p>5. <input checked="" type="checkbox"/> Incorporation By Reference (useable if Box 4b is checked) The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered to be part of the disclosure of the accompanying application and is hereby incorporated by reference therein.</p>		<p>ADDRESS TO: Box Patent Application Washington, DC 20231</p> <p>6. <input type="checkbox"/> Microfiche Computer Program (Appendix)</p> <p>7. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)</p> <p>a. <input checked="" type="checkbox"/> Request to Use the Computer-Readable Form of the Sequence Listing from Parent Application</p> <p>b. <input checked="" type="checkbox"/> Paper Copy (identical to computer copy)</p> <p>c. <input checked="" type="checkbox"/> Declaration under 37 C.F.R. § 1.821</p>
ACCOMPANYING APPLICATION PARTS		
<p>8. <input type="checkbox"/> Assignment Papers (cover sheet & document(s))</p> <p>9. <input type="checkbox"/> 37 C.F.R. § 3.73(b) Statement <input type="checkbox"/> Power of Attorney (when there is an assignee)</p> <p>10. <input type="checkbox"/> English Translation Document (if applicable)</p> <p>11. <input type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input type="checkbox"/> Copies of IDS Citations</p> <p>12. <input type="checkbox"/> Preliminary Amendment</p> <p>13. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) (Should be specifically itemized)</p> <p>14. <input type="checkbox"/> *Small Entity <input type="checkbox"/> Statement filed in prior application, Status still proper and desired (PTO/SB/09-12)</p> <p>15. <input type="checkbox"/> Certified copy of Priority Document(s) (if foreign priority is claimed)</p> <p>16. <input type="checkbox"/> Other: _____ Other: _____</p> <p>* A new statement is required to be entitled to pay small entity fees, except where one has been filed in a prior application and is being relied upon.</p>		
<p>17. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment:</p> <p><input checked="" type="checkbox"/> Continuation <input type="checkbox"/> Divisional <input type="checkbox"/> Continuation-in-part (CIP) of prior application No.: 09 / 436,454 filed November 8, 1999</p> <p>Prior application information: Examiner: J. Riley </p> <p>Group Art Unit: 1656</p>		
<p>18. CORRESPONDENCE ADDRESS</p> <p>22896</p> <p><input checked="" type="checkbox"/> Customer Number or Bar Code Label <input type="checkbox"/> (Insert Customer No. or Attach bar code label here)</p> <p><input type="checkbox"/> Correspondence address below</p>		
Name		
Address		
City	State	Zip Code
Country	Telephone	Fax

Name (Print/Type)	Vincent M. Powers	Registration No. (Attorney/Agent)	36,246
Signature		Date	7/28/2000

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231. 22840 1

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FEE TRANSMITTAL for FY 2000

Patent fees are subject to annual revision.

Small Entity payments must be supported by a small entity statement, otherwise large entity fees must be paid. See Forms PTO/SD/09-12. See 37 C.F.R. §§ 1.27 and 1.28.

TOTAL AMOUNT OF PAYMENT (\$ 690.00)

Complete if Known	
Application Number	To be assigned
Filing Date	July 28, 2000 (herewith)
First Named Inventor	Kenneth J. Livak et al.
Examiner Name	To be assigned
Group / Art Unit	To be assigned
Attorney Docket No.	4264C5

METHOD OF PAYMENT (check one)

1. The Commissioner is hereby authorized to charge indicated fees and credit any overpayment to:

Deposit Account Number 01-2213
Deposit Account Name Applied Biosystems

Charge any Additional Fee Required Under 37 CFR 1.16 and 1.17

2. Payment Enclosed:

Check Money Order Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101	690	Utility filing fee	690.00
106	310	Design filing fee	
107	480	Plant filing fee	
108	690	Reissue filing fee	
114	150	Provisional filing fee	

SUBTOTAL (1) (\$ 690.00)

2. EXTRA CLAIM FEES

Total Claims	Extra Claims -20**=	Fee from below X	Fee Paid
2	0	18.00	0.00
Independent 1	-3 **= 0	X 78.00	0.00

Claims Multiple Dependent

Claims Multiple Dependent	Fee from below	Fee Paid

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CERTIFICATION UNDER 37 CFR 1.10

Express Mail Number: EM 011 979 393 US

Date of Deposit: July 28, 2000

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Box: Patent Application, Washington, D.C. 20231.

PATTI SELAN

(Print Name of Person Mailing Application)

Patti Selan

(Signature of Person Mailing Application)

**Transmittal of Continuation Patent Application
For Filing Under 37 CFR 1.53(b)**

ATTORNEY DOCKET NO.

4264C5

PRIOR APPLICATION:

Examiner: **Riley, J.**

Art Unit: **1656**

Assistant Commissioner for Patents

Box: Patent Application

Washington, D.C. 20231

Sir:

This is a request for filing a continuation divisional application under 37 CFR 1.53(b), of pending prior application serial no. 09/436,454 filed on November 8, 1999 by Kenneth J. Livak, Susan J. A. Flood, Jeffrey Marmaro and Khairuzzaman Bashar Mullah entitled

HYBRIDIZATION ASSAY USING SELF-QUENCHING FLUORESCENCE PROBE

1. Enclosed are:

- One stamped, self-addressed postcard for PTO datestamp.
- Certificate of Express Mail.
- One utility patent application containing text pages 1 - 54 and
 - 2 sheets of formal drawings.
- Copy of executed Declaration of Inventorship from parent application serial no. 09/436,454.
- Sequence Listing printout, Request to Use from prior application, and matching Declaration.
- A Preliminary Amendment.
- A new Power of Attorney.

2. Amendment

- Please enter the enclosed Preliminary Amendment before calculating the filing fee. It is understood that only amendments reducing the number of claims will be entered for this purpose.
- Please cancel original claims 1-38, inclusive, before calculating the filing fee. (At least one original independent claim should be retained for filing purposes.)

3. Extension of Time

- A petition for extension of time has been filed in the parent to extend the pendency of the parent to _____ (copy enclosed).
- Conditional Petition for Extension of Time: An Extension of Time is requested to provide for timely filing if required to establish copendency with the parent after all papers filed herewith have been considered.

4. Prior Documents Still in Effect

This application is a continuation of Ser. No. 09/436,454 filed Nov. 8, 1999, which is a continuation of Ser. No. 09/207,170 filed December 7, 1998, now Patent No. 6,030,787, which is a continuation of Ser. No. 08/558,303 filed November 15, 1995, now Patent No. 5,876,930, which is a continuation-in-part of Ser. No. 08/340,558 filed November 16, 1994, now Patent No. 5,538,848, each of which is incorporated herein by reference in its entirety.

5. Prior Documents Still in Effect

This application and parent application Serial No. 09/436,454 filed November 8, 1999 are assigned of record to The Perkin-Elmer Corporation.

Power of attorney in the above-identified prior application is to Vincent M. Powers, Reg. No. 36,246, and the other attorneys or agents identified therein.

6. Fees

The filing fee is calculated below taking into account any amendments in section 2 above:

FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE
TOTAL CLAIMS	2 - 20	0	X \$18	\$0.00
INDEPENDENT CLAIMS	1 - 3	0	X \$78	\$0.00
BASIC FEE				\$690.00
Multiple Dependency Fee If Applicable \$260.00				
Total				
50% Reduction for Independent Inventor, Non-profit Organization or Small Business Concern				
TOTAL FILING FEE				\$690.00

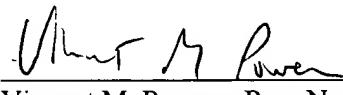
The Commissioner is hereby authorized to charge the filing fee, any deficiency in fees under 37 CFR 1.16 and 1.17, or any other fees necessary for timely filing of this application, or credit any overpayment to Deposit Account No. 01-2213. A duplicate copy of this sheet is enclosed.

A check in the amount of \$ _____ is enclosed.

Filing fee to be submitted in response to anticipated receipt of Notice to File Missing Parts.
DO NOT CHARGE DEPOSIT ACCOUNT.

Respectfully submitted,

Dated: July 28, 2000



Vincent M. Powers, Reg. No. 36,246

Correspondence Address:

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Foster City, California 94404
Telephone: 650-638-6492
Facsimile: 650-638-6677